

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 3, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Christensen, Cook, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Camp.

Council Chair Eskridge announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of May 20, 2013 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

**PUBLIC HEARING**

APPOINTING CATHERINE BEECHAM TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 24, 2013;

REAPPOINTING CATHERINE BEECHAM TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 24, 2019 - Catherine Beecham came forward to state that she has served on the Preservation Commission and is currently on the LES board. Her background in archeology and her participation in development plans for new Haymarket projects reinforced her interest in the planning and zoning processes and will enable her to bring a balanced perspective to the Planning Commission.

This matter was taken under advisement.

APPLICATION OF D'LEON'S TACO RICO INC. DBA GUAPO'S BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 2310 N. 1ST STREET;

MANAGER APPLICATION OF SYLVIA CHACON FOR D'LEON'S TACO RICO INC. DBA GUAPO'S BAR AND GRILL AT 2310 N. 1ST STREET - Jose Diaz De Leon came forward to take the oath and answer questions. Guapo's will be a family restaurant with authentic Mexican food served alongside traditional bar food and will be a gathering place where Mexican and American cultures can come together. The establishment will have a kitchen, a bar and a social hall.

Sylvia Chacon, 2310 N. 1<sup>st</sup> Street, came forward to take the oath and answer questions. She has been employed by D'Leon's for two years.

This matter was taken under advisement.

CHANGE OF ZONE 13007 - APPLICATION OF WILLIAM AND MARCIA THORNTON FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO R-7 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY TO DESIGNATE THE CONRAD A. SCHAAF HOUSE GENERALLY LOCATED AT 659 SOUTH 18TH STREET AS A LANDMARK - Marvin Krout, Director of Planning, came forward to state that this single family dwelling, if designated as a Historic Landmark and granted the Special Permit, will continue to be a used as a residence and the accessory building on the property will be used as a neighborhood support service facility. The Planning Commission has approved the Special Permit to allow this use and there were no appeals or opposition. The house was built by an early Lincoln builder and is a classic bungalow with well preserved features. It meets the requirements for the landmark designation.

Bill Thornton, 659 S. 18<sup>th</sup> Street, came forward as the applicant to state that he has been involved in this neighborhood through the faith-based, non-profit organization, Jacob's Well. During the week, his facility will provide a nontraditional mentoring program for youth that includes Bible teaching, a meal, crafts and tutoring. This location will allow for a more direct impact on the children and the neighborhood.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$5.728 MILLION IN TIF FUNDS FOR THE P STREET STREETScape PROJECT ON PROPERTY GENERALLY LOCATED IN THE RIGHTS OF WAY ALONG P STREET FROM 11TH STREET TO CENTENNIAL MALL, AND 9TH, 11TH, 12TH, 13TH AND 14TH STREETS FROM O TO Q STREET, IN DOWNTOWN LINCOLN - Randy Hoskins, Assistant City Engineer, came forward to state that there are some additional projects that need to be completed as part of this project, including new sidewalks, pedestrian sidewalk ramps, pavement markings, and drainage improvements. It makes sense to complete these projects while other improvements are being made.

Hallie Salem, Urban Development Department, came forward to state that P Street is embedded in a decade of planning through the Downtown Master Plan of 2005 and its update in 2012. The plan includes three main goal which are to create a 24/7 downtown, primary and secondary retail corridors, and several catalyst projects. The Master Plan also identifies several areas that are in need of improvement such as narrow sidewalks, long crossing distances at intersections, a stark environment, low performing trees, and missed parking opportunities. P Street was selected because there will be positive effects on existing retail, there are many opportunities for new, mixed-use development,

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there is appropriate traffic volume, and because it is an excellent connector of the Arena/West Haymarket development and the Antelope Valley Project, as well as the University and the Capitol Building via the Centennial Mall Project. In the end there will be adjusted driving lanes, widened sidewalks, walking paths, bike parking and multiple cosmetic improvements including decorative lighting, green spaces and permanent outdoor seating areas. The total estimated budget for this project is \$6.7 million which will be generated from tax increment financing and several other sources. If approved, the project will begin in August of 2013 and be completed the following year.

David Landis, Director of Urban Development, came forward to confirm that this project will not reduce the number of lanes of traffic or the number of parking spaces. The speed limit will remain the same and intersections should be safer for pedestrians. Discussion followed.

Bill Scheeckle, Chairman of the Board for Downtown Lincoln Association, came forward to state that DLA unanimously supports this endeavor. This project has been carefully considered, has received broad acceptance in the community, and revitalization projects are extremely important to overall vitality of the central business district.

Terry Uland, President of the Downtown Lincoln Association, came forward to state that this project offers an excellent balance between the walking environment and acceptable traffic capacity. Planning around existing major events throughout the construction process has been a priority.

Michelle Waite, University of Nebraska, came forward to state that the University is pleased to be a partner with the City in several major projects. UNL is finalizing their own Master Plan which incorporates many linkages to downtown for providing an active corridor emphasizing the arts, campus, social and residential life. Safe and active environments complement learning, are an integral part of the college experience, and assist in retaining college students until graduation and beyond. An attractive and inviting city also encourages recruitment of faculty doing world renowned research. In addition to their national and international stature, they bring with them significant grant dollars and they partner with local, private sector partners. Lincoln is at a crossroads and these projects will provide an economic benefit for years to come.

Tom Smith, Downtown Civic Ventures, came forward to state that his organization supports the revitalization of downtown retail and has provided funding to help several businesses get established. This project will complement that work by continuing to make the downtown retail corridor an interesting and attractive location.

Brett Harris, Speedway Properties, came forward as a downtown property owner. Speedway recently completed a redevelopment project at 1226 P Street which brought two new retail establishments and added 21 loft style apartments. P Street Corridor is the kind of project that could attract additional development. In answer to Council questions, he replied that the Downtown Master Plan was a factor in the decision to redevelop this location.

Ashley Hadden, owner of Embellish, came forward to state that as a small business owner, UNL graduate, and resident of downtown, there are many benefits to making P Street the most vibrant activity center in the city. It encourages a more walkable downtown, making it even more active and enjoyable to visitors and it is important to small businesses that rely heavily of foot traffic. This redevelopment was a major draw in her decision to return to Lincoln and open a business.

Will Scott, WRK, came forward to state that the decision to locate WRK downtown and to make several investments along P Street was influenced by the Downtown Master Plan and the P Street Corridor. This is an important and relevant investment that will attract even more investment.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION FOR A ONE YEAR TERM EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 14, 2013 - Doug McDaniel, Director of Personnel, came forward to state that negotiations with the ATU are complete. This one year contract includes a 2% increase to wages and some language changes. There are no changes to health insurance at this time.

This matter was taken under advisement.

AMENDING THE NEBRASKA INNOVATION CAMPUS REDEVELOPMENT AGREEMENT ADOPTED BY RESOLUTION NO. A-86109 ON NOVEMBER 8, 2010 BY REPLACING EXHIBIT E, PROJECT AREA PHASE I, AND INCLUDING A NEW LEGAL DESCRIPTION - David Landis, Director of Urban Development, came forward to state that the first redevelopment agreement had boundaries that were determined before they had analyzed where the connective fiber optic cables should run. This request for the boundary changes will allow for the most sensible utilization of the infrastructure.

Josh Berger, Scott-Woodbury-Wiegert, came forward to state that as construction on Innovation Campus goes on, better plans emerge for most efficient installation of the infrastructure.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR FRACTURE CRITICAL BRIDGE INSPECTION OF THE EAST LEG OF THE BIG X AND A BRIDGE ACCESS TO CITY PROPERTY AT THE ASHLAND WATER TREATMENT PLANT (STATE PROJECT NO. STP-NBIS(99), CN 00886) - Devin Biesecker, Public Works and Utilities Department, came forward to state that fracture critical bridge inspection is done annually. It was recently taken over by the Department of Roads due to the increased need for bridge inspection on special case bridges. NDOR hires a consultant to do the inspection. The City enters into a cost share with them instead of covering the entire cost.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS TO RECEIVE A DISTRIBUTION OF STATE CASH THROUGH THE FEDERAL FUNDS PURCHASE PROGRAM FOR BRIDGE REPAIR AND MAINTENANCE - Devin Biesecker, Public Works and Utilities Department, came forward to state that the City receives this Federal funding annually based on the number of square feet of deficient bridge deck within the city. The agreement covers the new method the Nebraska Department of Roads uses to issue the money.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING CATHERINE BEECHAM TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 24, 2013 - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87341 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Catherine Beecham to the Lincoln-Lancaster County Planning Commission to fill an unexpired term expiring September 24, 2013 is hereby approved.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: None.

REAPPOINTING CATHERINE BEECHAM TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 24, 2019 - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87342 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Catherine Beecham to the Lincoln-Lancaster County Planning Commission for a term expiring September 24, 2019 is hereby approved.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: None.

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FOR THE SECOND QUARTER, FISCAL YEAR 2012-2013 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87343 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

LINCOLN ELECTRIC SYSTEM ANNUAL REPORT FOR 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(3)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 13, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCE NUMBER 19881 PASSED BY THE CITY COUNCIL ON MAY 20, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS PASSED BY THE CITY COUNCIL ON MAY 20, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 17, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ASIAN FUSION, INC. DBA ASIAN FUSION FOR A CLASS I LIQUOR LICENSE LOCATED AT 2840 JAMIE LANE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87344 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 17, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Asian Fusion, Inc. dba Asian Fusion for a Class I liquor license located at 2840 Jamie Lane.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, JUNE 17, 2013 AT 3:00 P.M. FOR THE APPLICATION OF BW & R CANOPY, LLC DBA BUFFALO WINGS & RINGS FOR A CLASS I LIQUOR LICENSE LOCATED AT 350 CANOPY STREET, SUITE 200 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87345 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 17, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of BW & R, LLC dba Buffalo Wings & Rings for a Class I liquor license located at 350 Canopy Street, Suite 200.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, JUNE 17, 2013 AT 3:00 P.M. FOR THE APPLICATION OF CAREY JOHNSON OIL COMPANY, INC. DBA EZ GO #80 FOR A CLASS D LIQUOR LICENSE LOCATED AT 2555 O STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87346 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 17, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of BW & R, LLC dba Buffalo Wings & Rings for a Class D liquor license located at 350 Canopy Street, Suite 200.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, JUNE 17, 2013 AT 3:00 P.M. FOR THE APPLICATION OF PEACE A PIE, LLC DBA MELLOW MUSHROOM FOR A CLASS I LIQUOR LICENSE LOCATED AT 601 R STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87347 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 17, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of PEACE A PIE, LLC dba MELLOW MUSHROOM for a Class I liquor license located at 601 R STREET.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, JUNE 17, 2013 AT 3:00 P.M. FOR THE APPLICATION OF NEBRASKA DINING HOLDING, LLC DBA NOODLES & COMPANY 7105 FOR A CLASS I LIQUOR LICENSE LOCATED AT 5001 O STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87348 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 17, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Nebraska Dining Holding, LLC dba Noodles & Company 7105 for a Class I liquor license located at 5001 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, JUNE 17, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ZELL'S LOUNGE, LLC DBA ZELL'S LOUNGE FOR A CLASS I LIQUOR LICENSE LOCATED AT 1011 W. DAWES AVENUE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87349 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 17, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Zell's Lounge, LLC dba Zell's Lounge for a Class I liquor license located at 1011 W. Dawes St.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 13006 - requested by New Horizons Enterprises, LLC., to designate the Bowman House as a Historic Landmark, on property legally described as a portion of Lot 6, Block 209, Lincoln Original Plat, located in the SE 1/4 of Section 26-10-6, Lancaster County, Nebraska, generally located at S. 12<sup>th</sup> Street and D Street (1201 D Street).

Change of Zone No. 13010 - requested by Cameron Townhomes II, for AGR Agricultural Residential District to R-3 Residential District, on property legally described as a portion of Lots 15, 93 and 111, I.T., located in the SW 1/4 of Section 16-9-7, Lancaster County, Nebraska, generally located at S. 56<sup>th</sup> Street and Shadow Pines Drive.

Special Permit No. 13014 - requested by New Horizons Enterprises, LLC., for historic preservation, for use of a landmark property as a business office and residence, on property legally described as a portion of Lot 6, Block 209, Lincoln Original Plat, located in the SE 1/4 of Section 26-10-6, Lancaster County, Nebraska, generally located at S. 12<sup>th</sup> Street and D Street (1201 D Street).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13028 to Special Permit No. 1762D, Vintage Heights Community Unit Plan, approved by the Planning Director on May 14, 2013, requested by Vernon Thornbrugh, to adjust the rear yard from 22.5 feet to 10 feet for a covered, unenclosed patio or deck on property located at 6714 Glass Ridge. Rd.

Administrative Amendment No. 13032 to Change of Zone No. 12018, Holdrege/Idylwild Planned Unit Development, approved by the Planning Director on May 15, 2013, requested by Olsson Associates, to removed the parking stalls on Idylwild Dr., add Note #8, correct the number of required stalls for commercial use in the B-1 PUD parking calculations and remove the finish floor elevation on the grading plan, on property generally located at Idylwild Dr. and Holdrege St.  
Administrative Amendment No. 13033 to Change of Zone No. 2741, Hallshire Estates Planned Unit Development, approved by the Planning Director on May 16, 2013, requested by Design Associates, to reduce a portion of the side yard from 10 feet to 7 feet for 5300 Hallshire Court, on property generally located at S. 52<sup>nd</sup> St. and Old Cheney Rd.

Administrative Amendment No. 13025 to Special Permit No. 1674, Cheney Ridge Community Unit Plan, approved by the Planning Director on May 17, 2013, requested by TCS Family Farms LP, to increase the number of apartment units from 200 to 207, thereby increasing the total number of dwelling units within the CUP from 328 to 335, on property generally located near S. 84<sup>th</sup> St. and Cheney Ridge Rd.

Administrative Amendment No. 13034 to Change of Zone No. 05054A, Prairie Village Planned Unit Development, approved by the Planning Director on May 20, 2013, requested by Prairie Home Builders, Inc., to eliminate the requirement of a window on the street facade for retail and office buildings that are setback 100 feet or more from the street right-of-way, on property generally located at N. 84<sup>th</sup> St. and Adams St.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF D'LEON'S TACO RICO INC. DBA GUAPO'S BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 2310 N. 1ST STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87350 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of D'Leon's Taco Rico, Inc. dba Guapo's Bar and Grill for a Class "C" liquor license at 2310 N. 1st Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code. 3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Gaylor Baird and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF SYLVIA CHACON FOR D'LEON'S TACO RICO INC. DBA GUAPO'S BAR AND GRILL AT 2310 N. 1ST STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87351 WHEREAS, D'Leon's Taco Rico Inc. dba Guapo's Bar and Grill located at 2310 N. 1st Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Sylvia Chacon be named manager;

WHEREAS, Sylvia Chacon appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sylvia Chacon be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Gaylor Baird and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 13007 - APPLICATION OF WILLIAM AND MARCIA THORNTON FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO R-7 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY TO DESIGNATE THE CONRAD A. SCHAAF HOUSE GENERALLY LOCATED AT 659 SOUTH 18TH STREET AS A LANDMARK - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$5.728 MILLION IN TIF FUNDS FOR THE P STREET STREETScape PROJECT ON PROPERTY GENERALLY LOCATED IN THE RIGHTS OF WAY ALONG P STREET FROM 11TH STREET TO CENTENNIAL MALL, AND 9TH, 11TH, 12TH, 13TH AND 14TH STREETS FROM O TO Q STREET, IN DOWNTOWN LINCOLN - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87352 A Resolution (1) amending the first year (2012-2013) of the Fiscal Year 2012/2013 -- 2017/2018 Six Year Capital Improvement Program (CIP adopted by and attached to Resolution No. A-86975 as Schedule 5 to establish the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project (an approved project in the Lincoln Center Redevelopment Plan) to install streetscape improvements, street improvements and utility improvements along P Street from 9th Street to Centennial Mall, and along 11th, 12th, 13th, and 14th Streets from O to Q Streets, as a capital improvement project within the adopted Capital Improvement Program; (2) establishing the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project Endowment Fund to be used to fund maintenance of the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project capital improvements; and (3) transferring and establishing appropriations for said capital improvement project and maintenance thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the implementation of the Lincoln Center Redevelopment Plan, Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project, to install streetscape improvements, street improvements and utility improvements along P Street from 9th Street to Centennial Mall and 11th, 12th, 13th and 14th Streets from O to Q Streets within the Project Area, is hereby established and added to the Urban Development Department's list of capital improvement projects in the first year (2012-2013) of the Fiscal Year 2012/2013 -- 2017/2018 Six Year Capital Improvement Program (CIP adopted by and attached to Resolution No. A-86975 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$5.728 million from Tax Increment Financing for this Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project.

3. That the City Council hereby establishes the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project Endowment Fund. Proceeds from the Fund shall be used to ensure maintenance of the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project capital improvements.

4. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate and transfer \$550,000.00 cash received from the atrazine settlement as other funding for the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project.

5. The City Council hereby appropriates and directs the Finance Director to transfer any surplus of the \$550,000.00 cash from the atrazine settlement after all Redevelopment Project obligations have been satisfied as funding for the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project Endowment Fund.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION FOR A ONE YEAR TERM EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 14, 2013 - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87353 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached labor contract between the City of Lincoln and the Amalgamated Transit Union, to be effective August 16, 2012 through August 31, 2013, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

AMENDING THE NEBRASKA INNOVATION CAMPUS REDEVELOPMENT AGREEMENT ADOPTED BY RESOLUTION NO. A-86109 ON NOVEMBER 8, 2010 BY REPLACING EXHIBIT E, PROJECT AREA PHASE I, AND INCLUDING A NEW LEGAL DESCRIPTION - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87354 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Exhibit E, including a complete legal description of Phase I Project Area, and Exhibit H-3 (Communication System Phase I), to the City of Lincoln Redevelopment Agreement for Nebraska Innovation Campus, Phase I, between the City of Lincoln, Nebraska Nova Development LLC, and the Nebraska Innovation Campus Development Corporation, approved by the City Council by Resolution No. A-86891 on July 9, 2012, are hereby approved and accepted as the substitute Exhibits to the Redevelopment Agreement for the purpose of amending the Project Area for a change of the communication fiber conduit route location.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR FRACTURE CRITICAL BRIDGE INSPECTION OF THE EAST LEG OF THE BIG X AND A BRIDGE ACCESS TO CITY PROPERTY AT THE ASHLAND WATER TREATMENT PLANT (STATE PROJECT NO. STP-NBIS(99), CN 00886) - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87355 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for Fracture Critical Bridge Inspection of the east leg of the Big X and a bridge access to City property at the Ashland Water Treatment Plant, Project No. STP-NBIS(99), CN 00886, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Agreement to Devin Biesecker, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS TO RECEIVE A DISTRIBUTION OF STATE CASH THROUGH THE FEDERAL FUNDS PURCHASE PROGRAM FOR BRIDGE REPAIR AND MAINTENANCE - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87356 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds to receive a distribution of State Cash through the Federal Funds Purchase Program for bridge repair and maintenance, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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The City Clerk is directed to return the executed copy of the Agreement to Devin Biesecker, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2013 - CLERK read the following resolution, introduced by Jon Camp.

EMERY Moved its adoption:

A-87357

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 16, 2013, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Christy Christiansen	\$190.50	Donald Stockley	\$65,000.00
Carlos Thomas	NAS*	Martha Sorenson	377.81
		SAC Federal Credit Union	975.00
		State Farm Insurance a/s/o Floyd Brown	2,638.12

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Fellers and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

**ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 13005 - APPLICATION OF OSI BROTHERS, LLC, ON BEHALF OF THE OWNER DAVID W. BRATCHER, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO AG AGRICULTURE DISTRICT WITH LANDMARK OVERLAY, TO DESIGNATE THE LINCOLN AIR FORCE BASE REMOTE FACILITY GENERALLY LOCATED AT 6901 WEST ADAMS STREET, AS A LANDMARK - CLERK read the following resolution, introduced by DiAnna Schimek, amending the City of Lincoln Zoning District Map attached to and made part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

EMERY Moved to pass the ordinance as read.

Seconded by Gaylor Baird and carried by the following vote: AYES:

Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: None.

The ordinance, being numbered **#19882**, is recorded in Ordinance Book #28, Page .

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 5, BLOCK 4 AND THE EAST 90 FEET OF LOT 1 AND ALL OF LOT 2, HOUTZ AND BALDWIN'S SUBDIVISION; LOT 7, BLOCK 8, SECOND EAST PARK ADDITION AND LOT 3, BLOCK 3, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 540, 541, 545 AND 1531 N. 28TH STREETS AND 2800 Y STREET - CLERK read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Neighborhoods, Inc. dba NeighborWorks Lincoln authorizing the sale of City owned property described as Lot 5, Block 4, the east 90 feet of Lot 1 and all of Lot 2, Houtz and Baldwin's Subdivision; Lot 3, Block 3, Gibbon's Addition; and Lot 7, Block 8, Second East Park Addition and, more commonly known as 540, 541, 545 and 1531 N. 28<sup>th</sup> Streets and 2800 Y Street, the first time.

APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND ENTERPRISE COMPANY, INC. TO EXTEND THE TERM OF THE LEASE OF APPROXIMATELY 813 SQUARE FEET OF FLOOR SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE WOMEN, INFANTS AND CHILDREN (WIC) SUPPLEMENTAL NUTRITION PROGRAM FOR AN ADDITIONAL THREE YEARS FROM NOVEMBER 1, 2013 TO OCTOBER 31, 2016 - CLERK read an ordinance, introduced by Roy Christensen, accepting and approving the First Amendment to Lease Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Enterprise Company, Inc. To extend the term for the lease of approximately 813 square feet of floor space at 2662 Cornhusker Highway for the Women, Infants and Children (WIC) Supplemental Nutrition Program for an additional three years from November 1, 2013 to October 31, 2016, the first time.

TEXT AMENDMENT -- AMENDING AND REORGANIZING CHAPTER 27.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF ZONING APPEALS TO SIMPLIFY AND CLARIFY THE PROCESS FOR FILING VARIANCES BY RENUMBERING EXISTING SECTION 27.75.020 AS SECTION 27.75.040 AND AMENDING IT TO GRANT EXPLICIT AUTHORITY TO CANCEL REGULARLY SCHEDULED MEETINGS OF THE BOARD OF ZONING APPEALS; AMENDING SECTION 27.75.030 TO REVISE THE PROCEDURE FOR APPEALS AND TO ESTABLISH A PROCEDURE TO OBTAIN BOARD OF

ZONING APPEALS REVIEW OF PETITIONS FOR VARIANCES AND EXCEPTIONS; RENUMBERING EXISTING SECTION 27.75.040 AS 27.75.020 AND AMENDING IT TO DISTINGUISH BETWEEN THE BOARD OF ZONING APPEALS' APPELLATE JURISDICTION AND ORIGINAL JURISDICTION; AMENDING SECTION 27.75.050 TO FURTHER DEFINE THE JURISDICTION OF THE BOARD OF ZONING APPEALS; AND AMENDING SECTION 27.75.060 TO PROVIDE THAT ANY DECISION APPROVING A PETITION FOR A VARIANCE OR AN EXCEPTION SHALL BE BY RESOLUTION OF THE BOARD OF ZONING APPEALS - CLERK read an ordinance, introduced by Roy Christensen, amending and reorganizing Chapter 27.75 of the Lincoln Municipal Code relating to the Board of Zoning Appeals to simplify and clarify the process for filing variances by renumbering existing Section 27.75.020 as Section 27.75.040 and amending it to grant explicit authority to cancel regularly scheduled meetings of the Board of Zoning Appeals; amending Section 27.75.030 to revise the procedure for appeals and to establish a procedure to obtain Board of Zoning Appeals review of petitions for variances and exceptions; renumbering existing Section 27.75.040 as 27.75.020 and amending it to distinguish between the Board of Zoning Appeals' appellate jurisdiction and original jurisdiction; amending Section 27.75.050 to further define the jurisdiction of the Board of Zoning Appeals; amending Section 27.75.060 to provide that any decisions approving a petition for a variance or an exception shall be by resolution of the Board of Zoning Appeals; and repealing Sections 27.75.020, 27.75.030, 27.75.040, 27.75.050 and 27.75.060 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 13009 - APPLICATION OF CAMPBELL'S NURSERY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK PUD FOR A MIXED USE DEVELOPMENT CONSISTING OF RESIDENTIAL, OFFICE, AND RETAIL USES ON THE UNDERLYING O-3 ZONED AREA GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 40TH STREET AND LAKE STREET - CLERK read an ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE, RELATING TO PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR, TO CONFORM WITH RECENT CHANGES IN THE STATE LAW BY INCREASING THE PERIOD OF AN OPERATOR'S LICENSE REVOCATION FROM ONE YEAR TO 18 MONTHS FOR A SECOND OFFENSE DUI AND REQUIRING AN IGNITION INTERLOCK DEVICE TO BE INSTALLED ON ANY MOTOR VEHICLE OWNED OR OPERATED BY A PERSON CONVICTED OF A SECOND OFFENSE DUI FOR AT LEAST ONE YEAR - CLERK read an ordinance, introduced by Roy Christensen, amending Section 10.16.030 of the Lincoln Municipal Code, relating to penalties for driving under the influence of alcoholic liquor, to conform with recent changes in the state law by increasing the period of an operator's license revocation from one year to 18 months for a second offense DUI and requiring an ignition interlock device to be installed on any motor vehicle owned or operated by a person convicted of a second offense DUI for at least one year; and repealing Section 10.16.030 of the Lincoln Municipal Code as hitherto existing, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

APPROVING A LPA PROGRAM AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 70TH STREET, VAN DORN TO EASTBOROUGH CONCRETE PAVEMENT REPAIR PROJECT (STATE PROJECT NO. LCLC-5247(13), CN 13243).

CERTIFYING THE APPOINTMENT OF DOUG EMERY TO THE WEST HAYMARKET JOINT PUBLIC AGENCY BOARD OF REPRESENTATIVES FOR A FOUR-YEAR TERM OR FOR SO LONG AS SUCH REPRESENTATIVE SERVES IN HIS POSITION AS CITY COUNCIL MEMBER.

ESTABLISHING AN ENTERTAINMENT DISTRICT IN THE AREA SOUTH OF THE PINNACLE BANK ARENA GENERALLY BOUNDED BY 7TH STREET, THE NORTH/SOUTH ALLEY WEST OF CANOPY STREET, R STREET AND Q STREET.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 4:17 P.M.**

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CAMP            Moved to adjourn the City Council meeting of May 20, 2013.  
                  Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,  
Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

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Teresa J. Meier, City Clerk

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Amy Hana Huffman, Office Specialist